

# EXHIBIT 13

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

SUVERINO FRITH et al, individually and on behalf of all others similarly situated,

Plaintiffs,

Case No. \_\_\_\_\_

v.

WHOLE FOODS MARKET, INC.

Defendants.

**AFFIDAVIT OF FAITH WALSH IN SUPPORT OF  
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

I, Faith Walsh, hereby declare:

1. I have personal knowledge of the facts set forth in this declaration and could and would testify competently to them.
2. I have been working as an employee for Whole Foods since approximately 2014.

I am White.

3. I work at the Whole Foods located at 340 River Street in Cambridge, Massachusetts.
4. Due to the onset of the COVID-19 pandemic, Whole Foods requires all its employees wear a mask to work.
5. Following the death of George Floyd and demonstrations springing up across the country in support of the Black Lives Matter movement, Whole Foods workers began wearing Black Lives Matter masks to work at Whole Foods, in order to express support for Black employees

6. In order to express my support for my Black coworkers, I decided to wear Black Lives Matter messaging to work.
7. I have been approximately four times for wearing the Black Lives Matter masks, and once for wearing a Black Lives Matter hat, and have participated in an employee walk out in support of Black Lives Matter.
8. I have not received any pay for the times I have been sent home and I have received a disciplinary point for each time I have been sent home.
9. I recently received a verbal warning due to my accumulation of points.
10. I was surprised and disappointed by Whole Foods disciplining and retaliating against us for wearing the masks. I expected that Whole Foods would support us in wearing the Black Lives Matter masks because the company claims to be inclusive and support all of its employees and has publicly supported the movement, including matching employee donations to organizations supporting Black Lives Matter and publicly stating it has donated to twelve Black Lives Matter organizations.
11. Whole Foods claims that it is disciplining us because the Black Lives Matter masks violate the dress code policy, which prohibits employees from wearing clothing with visible slogans, messages, logos, or advertising that are not company-related.
12. However, Whole Foods has not consistently enforced this policy. For example, I had been wearing an emoji pin for three to five months without consequence and was only asked to remove it when I met with management recently and was given my verbal warning.

13. I believe that Whole Foods is selectively enforcing its dress code to discipline employees for wearing Black Lives Matter masks, by sending employees who wear the Black Lives Matter masks home without pay and assigning employees a disciplinary point for each time they are sent home.
14. Despite the warnings and the discipline I have received, I wore Black Lives Matter messaging repeatedly after being disciplined because I believe that Whole Foods is discriminating against my Black co-workers and other employees of color by refusing to support my Black co-workers by disciplining employees who wear Black Lives Matter masks or apparel.
15. I believe that Whole Foods is discriminating and retaliating against my Black co-workers by disciplining them for wearing Black Lives Matter masks, and against other workers who associate with them and are advocating for them, by disciplining us for wearing Black Lives Matter masks.
16. I want to continue to wear Black Lives Matter messaging (pins, masks, or hats) and would if I knew I would not be disciplined.
17. However, I am afraid to lose my job because I will miss the community of my coworkers, which has developed over the six years that I have worked there, and because of the impact on my financial health.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 07/19/2020

  
\_\_\_\_\_  
Faith Walsh